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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1740 (2007), in which the Council established the United Nations Mission in Nepal (UNMIN) in response to the request of the Government of Nepal and the Communist Party of Nepal (Maoist), or CPN(M), for United Nations support for the peace process. UNMIN was established as a special political mission with a mandate to monitor the management of arms and armed personnel of CPN(M) and the Nepal Army, assist in monitoring ceasefire arrangements, provide technical support for the conduct of the election of a Constituent Assembly in a free and fair atmosphere and provide a small team of electoral monitors.

2. The report reviews the progress of the peace process and the implementation of the mandate of UNMIN since my previous report to the Council of 18 July 2007 (S/2007/442). It further takes stock of the challenges facing Nepal in its efforts to consolidate peace and embark on its historic transition.

II. Progress of the peace process

3. Since my last report to the Council, a number of important political developments have occurred in Nepal. Remaining electoral legislation has been enacted, significant agreements were reached with marginalized groups, and the Election Commission made the necessary technical preparations to hold the election on the agreed date of 22 November. However, doubts about a November poll for the Constituent Assembly persisted for a combination of reasons. Chief among these are the lack of unity and political consensus among the eight parties that formed the interim Government on 1 April 2007 and continued difficulties in effectively implementing commitments made in the different agreements to date. In addition, persisting disaffection among marginalized communities about their exclusion from the political process and State structures, despite two agreements reached with the Madhesi People's Rights Forum (MPRF) and with the Nepal Federation of Indigenous Nationalities (NEFIN), as well as the activities of armed groups and communal violence in the country's southern plains, the Terai region, have contributed significantly to the uncertainty. On 5 October, amidst a dispute between CPN(M) and the other parties over the electoral system and the declaration of a

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republic (discussed below), a collective decision was taken to reschedule the 22 November election. A new election date had yet to be fixed.

4. The second phase of registration of CPN(M) personnel in the cantonments continued after some initial disruption. This involves verification of the age and date of recruitment of those registered at the first stage in order to establish whether they have met the two criteria of eligibility as combatants, namely whether they were born before 25 May 1988 and whether they were recruited before 25 May 2006. As previously reported, the verification process started on 19 June at the first main cantonment site of the Maoists in Ilam in the east, and was completed at that site by 26 June. But before that process could begin at another cantonment site, the Maoists raised a number of substantive and procedural concerns.

5. The Maoists sought to link continuation of the verification process to other issues they deemed significant, including the need for major improvement of conditions in the cantonment sites; the payment of agreed monthly government allowances to Maoist personnel in cantonments; and the start of discussions on the future of the Maoist army and the Nepal Army, emphasizing their demand for the formation of a new national force made up of elements from both. My Special Representative made clear that verification was an obligation under the agreement on monitoring the management of arms and armies between the previous Seven-Party Alliance government and the Maoists, and UNMIN could not accept any preconditions for the continuation of verification.

6. After a period of delay, and with the Government showing a greater degree of flexibility in addressing some of the key concerns of the Maoists, the Maoists agreed to the resumption of verification. However, UNMIN was able to resume the process of verification at the second main cantonment site, in Sindhuli, only in mid-August, following the meeting of the expanded central committee of CPN(M) early in August. The process has since continued with satisfactory cooperation. Verification has now been completed in Ilam, Sindhuli, Surkhet and Kailali, with three further sites to follow.

7. Despite this progress, UNMIN continues to have concerns about several issues related to the cantonment of the Maoist army, the main one of which is the manner and timing of the discharge of the Maoist personnel determined to be ineligible under the determined criteria, in particular, those who were minors at the relevant date. The Maoist leadership states that it is committed in principle to moving forward with discharge but requires Government agreement on the payment of allowances to personnel who have been in cantonments. UNMIN has repeatedly pressed the parties to resolve this issue, and has insisted that both the Government and the Maoists should treat the discharge of minors and others ineligible as an urgent priority. In addition, an unmanaged discharge of large numbers of personnel from the cantonments could create serious social problems. It is hoped that the Cabinet decision of 8 October to release a partial payment of the allowances will lead to positive movement on this matter. Cantonment conditions remain a major concern, both at present and in the longer term for those who will remain in cantonments after the verification and discharge process.

8. The overall political climate and management of the peace process have become more complicated during this period. The unity of the eight parties came under a severe test largely as a result of their failure to fully implement agreements, including among others, on the fulfilment of responsibilities towards cantoned

Maoist personnel and the return of properties seized during the 10-year conflict. There is also a deeper gulf of perspective regarding the extent and breadth of the political, social and economic changes the country should undergo, as well as regarding the future of the Maoist combatants and the country's security sector. Difficulties in reaching decisions by consensus among the eight parties inside and outside the interim Government and intra-party divisions have contributed to the recent political dissension.

9. The fifth expanded central committee meeting (plenum) of CPN(M), held in Kathmandu from 3 to 9 August, brought a major shift in policy towards a tougher line in the relations of CPN(M) with its major partners and an effort to reach out and rebuild relations and alliances with traditionally marginalized groups and smaller like-minded parties. The plenum's major decisions included calling for a round-table conference among all parties and groups to agree upon a fully proportional representation electoral system, as demanded by traditionally marginalized groups, and to demand the declaration of a republic by the interim legislature-parliament before the election of the Constituent Assembly. Both positions contradicted the earlier endorsement by the eight parties of a mixed electoral system, and decision that the first session of the future Constituent Assembly should determine the fate of the monarchy and the issue of a republic. These major shifts are explained by Maoist leaders as a consequence of the changed political circumstances following the postponement of the ballot from June to November, particularly what they consider to be the resurgence of "regressive" monarchist forces bent on undermining the peace process.

10. The Maoists articulated their new demands, as well as calls for the Government to implement a number of agreements reached earlier in the peace process, with a set of 22 points they deemed as "necessary conditions" for the election of the Constituent Assembly to take place. Many analysts suggest that these major demands so close to the election date reflected significant concerns by the Maoists about their electoral prospects and about the willingness of the government of which they were a part to implement major parts of the Comprehensive Peace Agreement. The Maoists have insisted that the peace process now required a "new political compact" to move forward. The Maoists warned that they would quit the Eight-Party Alliance government and wage street protests if the demands were not met by 18 September.

11. The new position of the Maoists was to a significant extent a response to the criticism reported to have been levelled during the plenum against the leadership for allegedly having gone too far in making concessions to the other parties, in particular to the Nepali Congress. This represented a more assertive posture, threatening to move the party away from the Eight-Party Alliance and aiming to regain political partnerships and support among indigenous and marginalized social groups, including in the Terai. The new Maoist stance also likely reflects considerable frustration from the Maoist army about long delays in delivering compensation and adequate cantonment conditions.

12. Meanwhile, the Eight-Party Alliance government continued to face significant hurdles. The demand from traditionally marginalized groups for guarantees of greater representation in the Constituent Assembly and in State structures and national politics continued to intensify. Aiming to address some of these concerns, the Eight-Party Alliance government on 7 August signed a 20-point agreement with

Janajati umbrella groups, NEFIN and the Indigenous Nationalities Joint Struggle Committee. The Janajati groups had long demanded a fully proportional representation electoral system, and had announced a boycott of the Constituent Assembly if their demands were not met. Although the agreement maintains a mixed first-past-the-post and proportional electoral system, the Government committed to ensuring representation for smaller indigenous communities who would otherwise not be represented in the Constituent Assembly, as well as to forming a State restructuring committee and a Janajati commission. A number of Janajati groups have maintained serious reservations about the agreement, and NEFIN has demanded its more rapid implementation.

13. A government negotiating team also signed a 22-point agreement on 30 August with MPRF, a group that originally spearheaded the Madhesi movement. However, the agreement quickly attracted intense criticism from some quarters within MPRF, who objected in particular to the fact that a fully proportional electoral system had not been adopted. Following the postponement of the 22 November election, the MPRF leadership repudiated the agreement and vowed to pursue its agitation for a fully proportional electoral system.

14. Violence by the Jantantrik Terai Mukti Morcha (JTMM) factions and other armed groups continued in the Terai, where Maoist cadres have been a particular target of assassinations. Terai-wide and more localized strikes have been enforced by MPRF dissidents, at times supported by one or more of the armed groups, shutting down large parts of the Terai. If renewed efforts are not made to reach out to the various groups that have emerged in the Terai, radicalization and confrontation may again increase, jeopardizing a future election and public security in general.

15. The absence of significant progress in carrying forward a broad process of dialogue at an earlier stage has contributed to the proliferation of political and criminal organizations in the Terai. The increasing complexity and confusion in the Terai has in turn made the search for a solution more difficult.

16. In September, the situation in the Terai took an even more ominous turn with an outbreak of communal violence in parts of Kapilvastu district in the central region. This was sparked by the assassination of a local Muslim landowner, former vigilante leader and political activist, and threatened to take on a Hindu-Muslim as well as Madhesi-Pahadi character. The violence that followed left at least 14 verified dead and resulted in significant destruction of property and looting, as well as the displacement of thousands of people. As in several other situations, State law enforcement was extremely slow and largely ineffective in responding to the situation.

17. Some reports indicate that up to 70 per cent of rural areas in the Terai are without the presence of public officials because of the armed conflict, suggesting that efforts to normalize conditions through the redeployment of police and local officials have had limited effect. Throughout the country, efforts to manage conflicts and promote public security at the district level by officials, political parties and civil society actors vary, but they have generally lacked support of the central Government on core security and governance issues and are yet to have impact.

18. The risks posed by spoilers to the peace process was made apparent on 2 September, when three bomb blasts occurred in Kathmandu, killing three and

wounding more than two dozen others. The improvised explosive devices were placed at public transport facilities. On 30 September the Nepal Police announced the arrest of four individuals who they asserted were affiliated with the Terai Army, a small Madhesi insurgent group, which was one of several groups that claimed responsibility for the attacks.

19. On 18 September, the four Maoist ministers in the interim Government tendered their resignation to the Prime Minister following the failure of the Maoists and the other seven parties in the Government to reach an accommodation on the Maoists 22-point demands. The Maoist Members of Parliament did not resign.

20. On 25 September, following protracted negotiations, Prime Minister Girija Prasad Koirala's Nepali Congress (NC) party and the Nepali Congress (Democratic), which broke away from NC in 2002, reunified. This has strengthened the party's standing as the largest in the interim Parliament. The reunified NC adopted a federal, republican platform, marking a historic shift in that party's approach to the monarchy and governance as a whole.

21. In late September and early October, the Maoists and the Government engaged in intense negotiations in an effort to resolve the escalating tensions surrounding the political impasse. The Maoists continued to push for the declaration of a republic before the election of the Constituent Assembly and the adoption of a fully proportional electoral system for the election, despite having earlier agreed to the interim Constitution by which a mixed electoral system was adopted and which provided that the fate of the monarchy should be determined by the first session of the Constituent Assembly once seated.

22. The period since the withdrawal of the Maoists from the interim Government has been marked by increasingly intemperate threats and protests by their activists. The Maoists indicated that they would take direct action to obstruct the election from moving forward if their demands were not met. Their protests have included threats and intimidation of Nepalese civil society conducting voter and civic education.

23. On 30 September, at the formal request of the Government, the Election Commission agreed to extend the deadline for the submission of candidate lists in order to allow more time for a political compromise to be reached. The deadline for the proportional lists was extended from 30 September to 5 October and the first-past-the-post deadline from 5 October to 8 October. Despite the extension, the parties were unable to resolve their differences by 5 October. As a result, the leaders of the seven parties agreed on 5 October to defer the Constituent Assembly election scheduled for 22 November. The Cabinet took a formal decision and the Election Commission suspended the electoral calendar. No new date has been proposed for the election. At the request of the Maoists, a special session of the interim legislature-parliament was convened on 11 October to consider the issues of declaring a republic and adopting a fully proportional electoral system. The session, however, was suspended and postponed by at least 10 days.

24. From a technical perspective, preparations for the election had been proceeding in a timely manner without major problems. Nepal's Election Commission has throughout demonstrated a high degree of independence and professionalism. Its unanimously recognized integrity and competence is a vital national asset for the future.

III. Status of the United Nations Mission in Nepal

25. In my last report, I noted the challenges of operationalizing rapidly a mission that is both of limited duration and of considerable scale. Since then, notable progress has been made. All of the five UNMIN regional offices, in Dhangadi, Nepalgunj, Pokhara, Kathmandu, and Biratnagar, are operational, with some procurement still under way. As at 30 September, 881 of the planned 1,073 personnel are in their posts, and more staff are deployed in regions and districts than at headquarters. Where recruitment has been delayed, as for example in the selection of heads of regional offices, UNMIN put in place interim management arrangements until their arrival.

26. Of the 699 civilian staff, 191 — 27 per cent — are female. A more detailed breakdown shows that among substantive staff, 36 per cent are female, while among administrative staff, 18 per cent are female. Among arms monitors, only 12 are female, despite efforts to encourage Member States to nominate women candidates.

27. UNMIN has placed particular emphasis on recruiting national staff from among traditionally marginalized groups in order for the Mission to better reflect the diversity of Nepal. The Mission hosted regional outreach workshops and conducted targeted searches for particular positions as part of this effort. As at 30 September, this strategy has resulted in 156 — or 47 per cent — out of 326 national staff coming from traditionally marginalized groups.

28. Negotiations with the Government of Nepal on a status-of-mission agreement are near conclusion, after extensive and constructive discussion. I am grateful to the Government of Nepal for its cooperation and support.

IV. Activities of the United Nations Mission in Nepal

A. Arms monitoring

29. The monitoring of arms has continued around the clock at all weapons storage areas in the seven Maoist army main cantonment sites and at the designated Nepal Army site. The arrival of 28 retired military arms monitors during the summer has brought the Arms Monitoring Office to its full strength of 186, and there are now 5 fully established sectors, each with headquarters under a senior sector commander.

30. UNMIN sector commanders have developed comprehensive liaison arrangements with local Maoist and Nepal Army commanders, and arms monitors continue to patrol, in addition to the main cantonment sites, Maoist satellite cantonment sites and Nepal Army barracks. Arms monitoring operations also incorporate visits to villages, local government officials, civil society organizations, and United Nations field locations, having established close cooperation, information-sharing, and coordination of common activity with this wider network of actors.

31. As described in my previous report, UNMIN arms monitoring operations now make extensive use of 10 joint monitoring teams, each comprised of one United Nations monitor, one Nepal Army monitor and one Maoist army monitor. The joint monitoring teams encourage early and cooperative resolution of local disputes before they reach higher levels and enable a rapid response to incidents requiring

investigation. As at 30 September, 56 investigations have been conducted, with findings submitted to the Joint Monitoring Coordinating Committee for final resolution. The Committee, chaired by UNMIN Chief Arms Monitor, continues to meet regularly and has proved to be an extremely valuable forum for solving problems and for maintaining mutual confidence and constructive relations, even when difficulties are encountered.

32. As anticipated, a major challenge during this period has been heavy monsoon rains, which, along with other factors noted earlier, have rendered living and working conditions at all sites extremely difficult. Contingency planning for the onset of the monsoon helped offset some of these challenges for arms monitors on site. Living conditions for the cantoned Maoist personnel, including accommodation and health facilities, remain on the whole difficult and still require major improvement.

33. Despite monsoon-related challenges and initial delay, the second phase of Maoist army verification and registration is now progressing well. Early disagreement between the Maoist army and UNMIN over verification results was successfully overcome, without compromising full adherence to the criteria set out in the agreement on monitoring the management of arms and armies. Verification has been completed at four of the seven main cantonment sites. Continued progress will remain heavily dependent on sustained cooperation of the Maoist army.

B. Mine action

34. The UNMIN Mine Action Unit, through the services of ArmorGroup, continued to monitor the storage of improvised explosive devices and prepare for the destruction of agr d items. The audit of all stored items in the seven main Maoist cantonment sites verified a total of 6,789 kg of net explosive content, 97.5 per cent of which have been categorized as unsafe to store (category 1). In total, there were in excess of 52,000 explosive remnants of war, including more than 18,000 fragmentation devices.

35. On 4 July, the Joint Monitoring Coordinating Committee approved the list of items to be destroyed, allowing the Mine Action Unit to initiate this work. As a result of seasonal weather interruptions and lack of cooperation from local Maoist army commanders, however, progress has been limited, and no destruction of items was possible through July or August. In early September, a new agreement was reached with Maoist commanders, which allowed the first demolitions to take place on 7 September at main cantonment site 1. Subsequently, all unsafe items have been destroyed at main cantonment site 2, while partial destruction of items was achieved at main cantonment site 3. As of 30 September, plans were in place to complete the destruction of all unsafe items at main cantonment site 4 and main cantonment site 5 by mid-October.

36. The Mine Action Unit has also been providing demining training to the Nepal Army to assist in the fulfilment of their obligations under the Comprehensive Peace Agreement. Five Nepal Army members were also sent to the Mine Action Coordination Centre in southern Lebanon for three weeks starting in late July to study operational and technical components of the Lebanon programme that could be applied to Nepal.

37. As noted in my last report, following recommendation from UNMIN, a Cabinet decision was taken to establish a Nepal Mine Action Authority under the Ministry for Peace and Reconstruction. The Authority consists of an inter-ministerial steering committee responsible for policy and strategic guidance and a technical committee responsible for implementation, both with Maoist representation. The Mine Action Unit also participates in the steering committee. Nepal's longer-term requirements and the shape of future United Nations assistance to mine action in Nepal are expected to be clarified through an inter-agency assessment mission in the autumn.

C. Electoral support

38. The UNMIN Electoral Assistance Office has provided electoral advice and assistance to the Election Commission at national, regional and local levels. The implementation of a countrywide field presence has been strengthened by the arrival of a Deputy Chief Electoral Adviser, an External Projects Adviser, and an Information Officer.

39. Since my last report, the Office contributed to the work of the Election Commission leading to the adoption of an electoral code of conduct and advised on candidate nomination and selection procedures to meet the requirements of the complex quota system of the electoral legislation. Electoral advisers worked to help develop a wide array of training materials for voter education and advised on ballot design and printing, plans for the delivery of election materials, counting procedures, and computer applications to support electoral management. Electoral advisers are also providing assistance to the establishment of a national media centre, an election observation liaison unit, and a media monitoring programme. The composition of the electoral advisory team is currently being reviewed in consultation with the Election Commission following the decision to postpone the election.

40. The first, pre-monsoon, phase of deployment of United Nations Volunteers (UNVs) was completed according to plan late in July, with 45 international and 24 national Volunteers taking up positions as district electoral advisers. Based in 28 districts, from which they cover an additional 31 districts, the district advisers have worked closely with Election Commission district electoral officers on all aspects of election planning and management. The second, post-monsoon phase, of deployment was staggered with 36 international and 19 national UNVs deployed in late September. The final contingent of 45 international UNVs was due to join the Mission in early October, completing the deployment to cover all districts, but has been suspended, given the postponement of the election.

41. The Electoral Expert Monitoring Team, headed by Rafael López-Pintor, an independent body that reports to the Secretary-General on the preparations and conduct of the Constituent Assembly election, carried out its second monitoring assessment in Nepal from 27 July to 6 August. This visit focused on four areas of electoral preparation: the security environment, development of a legal framework, electoral administration, and public opinion and the media environment, with special reference to the views among traditionally marginalized communities and women. The team submitted its second report, which was conveyed to the

Government of Nepal and the Election Commission on 23 August. The team made its third visit from 27 September to 8 October.

42. The UNMIN Police Advisory Section began its work with the arrival of the senior police adviser and four police advisers late in August. Two more advisers have been recruited and are on travel status and one is under recruitment, which will complete a team of eight, with three staff posted at UNMIN headquarters and one to be deployed to each of the regional offices.

43. Having established initial contact with counterparts in the Home Ministry and police, the priority for UNMIN police advisers is to build relationships at the regional and local level in order to support the UNMIN regional teams and government preparations for election security. As of 30 September, police advisers had deployed to Biratnagar, Pokhara and Dhangadi.

D. Civil affairs

44. Since my last report, the UNMIN Office of Civil Affairs has become close to fully operational, with 31 international and 13 national civil affairs officers deployed across the five regional offices and headquarters as at 30 September. The regional teams work closely with the Mission's thematic advisers on gender, child protection, and social inclusion, as well as with regional public information officers. They also maintain close links with the Office of the High Commissioner for Human Rights (OHCHR) and the Office for the Coordination of Humanitarian Affairs, working closely with them to ensure complementarity of activities and a clear understanding by local actors of their distinct mandates and roles.

45. The civil affairs offices have focused early activities on establishing liaison with regional and district authorities and civil society actors, as well as conducting baseline monitoring of critical peace process issues. They have concentrated on four general areas — governance and public administration, public security, political parties and civil society — as well as select in-depth issues, including worsening public security conditions in the central and eastern Terai.

46. Civil affairs monitoring has helped enhance the Mission's understanding of the extent of the challenge posed by absent or ineffective public administration, particularly at the village level, caused or compounded by public insecurity. In August, Village Development Committee secretaries declared two successive national strikes, citing lack of security and politicized governance conditions. Police in many areas suffer from low morale and a legacy of distrust on the part of the local population owing to perceptions or actuality of ineffectiveness and complicity with human rights abuse. This is compounded by various kinds of interference, which affects their ability to act independently, and there are no mechanisms for public accountability.

47. In the central and eastern Terai, these issues are further compounded by unresolved grievances, sectarian divisions, and cross-border criminal activity that have become pronounced in some areas since the Madhesi protest movement from January to March 2007. Indicators of communal tension include the flight of Pahadi public officials and intimidation of local journalists and human rights defenders who fear reprisals if they speak out for communal reconciliation. The expanded police

presence in the Terai has not effectively addressed the proliferation of armed groups or the broader public security vacuum.

48. By the end of September, there had been limited evidence of political party activity in relation to the election of the Constituent Assembly. District party leaders noted barriers to freedom of assembly and movement, especially posed by armed political groups, as well as lack of central guidance. Political leaders not belonging to the Eight-Party Alliance complained of exclusion from the political process. The role of civil society actors in the peace process remained limited, with civil society participation in some areas severely affected by communal tensions and related divisions.

49. The absence of an independent national monitoring body remains an impediment to the peace process. In September, the Government announced the formation of a new high-level monitoring commission. The terms of reference and membership of this new body have not been finally agreed, nor was the commission formed by mid-October.

E. Gender, child protection and social inclusion

50. During the reporting period, the UNMIN Gender Affairs Section focused on engaging civil society organizations and women's groups. At the beginning of October the Section comprised two international officers, two United Nations Volunteers, and one national support staff, with recruitment of national officers for UNMIN regional offices under way.

51. Among the concerns regularly expressed by women's groups is whether the election of the Constituent Assembly would ensure equitable representation for women and expression of their aspirations. UNMIN Gender Affairs staff have participated as observers in an increasing number of civil society and women's groups and initiatives aimed at enhancing the electoral participation of women, including those from traditionally marginalized groups. These included the first-ever national conference of Madhesi women with representation from over 20 Terai districts and a number of demonstrations by women of the Badi community, the most disadvantaged of the Dalit caste. In order to assist political parties in nominating women for the Constituent Assembly elections, a diverse women's alliance has created a database of over 3,000 potential women leaders from 74 of Nepal's districts.

52. The Gender Affairs Section is working closely with the United Nations country team and the peace support working group on Security Council resolution 1325 (2000) in order to promote the participation of women in the peace process. My Special Representative has regularly emphasized in his meetings and public statements the significant contribution women can make to the peace process and the importance of ensuring that their legitimate demands for representation are met through the electoral system.

53. The Child Protection Section is nearly fully operational, having recruited all but two of its 13 staff with deployment in all five regions. Working closely with the United Nations Children's Fund (UNICEF), OHCHR and members of the Nepal task force on children and armed conflict, child protection advisers are monitoring

recruitment and use of children by armed groups, as well as their release and reintegration.

54. UNMIN child protection advisers, in conjunction with UNICEF, are preparing to monitor the release and reintegration of combatants who are determined, through verification of cantoned Maoist personnel, to have been under 18 at the time of the May 2006 ceasefire, in accordance with the Comprehensive Peace Agreement. Substantial numbers of these were identified during verification in the first three Maoist army main cantonment sites. The stability of family structures and limited displacement during the conflict bodes well for successful reintegration. Girls may face a particular set of challenges in returning home, however, and the lack of economic opportunities in rural Nepal may offer very limited possibilities for returning youth beyond migrant work.

55. The Child Protection Section will also monitor the participation of children and young people in the Constituent Assembly election.

56. The UNMIN Social Affairs Section advises the Mission on issues related to traditionally marginalized groups and assists UNMIN staff in promoting social inclusion across relevant UNMIN activities. The Section consists of one international adviser, and the recruitment of five national officers is under way for deployment in regional offices

57. Representatives of traditionally marginalized groups express persistent concerns about exclusion from the peace process and from decision-making regarding the election of the Constituent Assembly. The Social Affairs Adviser meets regularly with such groups and works closely with the United Nations country team and donors through a social inclusion action group, in an effort to devise strategies to reduce social exclusion in relation to the peace process, and more generally.

F. Political affairs

58. The Political Affairs Office continued to monitor, analyse and assist the peace process, while closely tracking the dialogue between the interim Government and a variety of traditionally marginalized groups. Special attention was also paid to the increasing proliferation of small militant groups and fronts, both armed and unarmed, and their potential to serve as spoilers in the peace process.

59. My Special Representative, through his regular interaction with all concerned, has impressed upon all parties the urgency of maintaining and strengthening the unity of the Eight-Party Alliance (now seven-party) and fully implementing existing commitments, of addressing the concerns of traditionally marginalized groups and of improving security conditions in order to ensure an atmosphere conducive to elections.

G. Public information and outreach

60. Alongside continued emphasis on Nepal's national media, UNMIN public information activities placed particular emphasis on regional and district media. This has been enabled by the deployment of public information and outreach staff to all regions.

61. My Special Representative and his Deputy made a series of regional visits in order to engage with district and village-level government, political and civil society representatives, and to deliver addresses at relevant events. These visits, which were widely covered by local and national press, have enhanced the level of direct engagement with communities about their concerns related to the peace process. Critical themes in these interactions included public security, the need for cooperation at the local level between political parties and civil society, and the importance of dialogue with traditionally marginalized groups and women in order to ensure an inclusive electoral process. The UNMIN leadership has underscored the importance of free and peaceful political party activity at the village level in preparation for the election, along with the need for a conducive media environment. These issues have also been reflected in various UNMIN press statements.

62. UNMIN launched a twice-weekly radio programme (*UNMIN-ko Boli*) in August, along with a series of radio public service announcements. Produced in partnership with the national public broadcaster, Radio Nepal, these have aired on a wide range of Nepal's diverse radio networks that reach all parts of the country. Printed fact sheets, brochures and other materials were produced and disseminated to targeted audiences in the districts, including local authorities, political party representatives, and civil society organizations representing traditionally marginalized groups and women. UNMIN also started a monthly Mission newspaper (*UNMIN Patra*), which will be widely disseminated, and a new UNMIN website was launched in September. The Section works closely with the communications teams of other United Nations agencies to ensure consistency and maximum reach of information and messages.

63. The Translation and Interpretation Unit became fully operational within the reporting period. Alongside its routine functions, the Unit has become an important partner for communications and public outreach. The Unit has worked to systematize terminology in UNMIN Nepali language materials and ensure that all public information material is produced in Nepali to the highest standard. Staff have also assisted in developing the UNMIN radio programme in several of the regional languages of Nepal.

H. Safety and security

64. While the general level of staff safety and security remains unchanged, the overall security environment has become more volatile and can be expected to remain so, or to become increasingly troubled, in the coming weeks.

65. *Bandhs* (strikes) and protests by various groups occur regularly across the country, including in relation to fuel shortages that are frequently acute. Throughout the Terai districts, public security has diminished markedly, as witnessed in late September by the violence in parts of Kapilvastu district. The number of known armed and criminal groups operating in the Terai increased to over two dozen.

66. On 2 September, three small bombs exploded in Kathmandu, resulting in three deaths and over a dozen casualties. Two relatively unknown armed groups claimed responsibility, but the motives and actors behind the event remain unclear. Government officials and Maoist leaders, among others, have attributed the attacks to forces bent on disrupting the peace process. Although United Nations staff

members have not been directly targeted, on 12 September, a small explosive device was left outside the compound of the offices of OHCHR in the eastern Terai city of Biratnagar. The device was clearly not intended to inflict damage, but to draw attention to a written politically partisan message. The incident remains under investigation by the Nepal Police. In this context, the UNMIN Safety and Security Section, together with the Department of Safety and Security, is strengthening measures to ensure staff security.

67. The UNMIN Safety and Security Section is now close to full strength, including security staff assigned to regional offices.

V. Administration and logistics

68. During the reporting period, administrative and logistical support systems reached the strength and capacity required to support the operational elements of the Mission, in particular the mobile operations of arms monitors and electoral advisers. The main infrastructure of the five UNMIN regional offices has been put in place, and a limited number of prefabricated office containers are being added to absorb overflow from the main buildings. Medical support arrangements are complete, with UNMIN clinics operational in all five main locations.

69. UNMIN relies on a total vehicle establishment of 271, progressively deployed after installation of anti-blast film and essential communications equipment. UNMIN aviation assets, consisting of one fixed-wing aircraft, and four helicopters, transport an average 520 passengers and 5 tons of cargo per week. In addition to operational support for mission activities, UNMIN aircraft are occasionally tasked with assisting humanitarian operations, including relief for flood victims in the Terai region financed by the United Nations Development Programme (UNDP).

VI. Human rights

70. OHCHR continued to monitor the human rights situation, with particular reference to the peace process, and UNMIN and OHCHR maintain close coordination. The overall situation has grown more worrying, with increasing violence and instability in parts of the country. Political parties operate in some areas with constraints, including real or perceived threats and intimidation. With electoral campaigns having hardly begun, it remains to be seen how far political parties will be able to exercise their rights to freedom of assembly and association.

71. The activities of armed groups are also restricting space for political activities and local governance. The police have mostly been unable to protect the civilian population and curtail the activities of the groups. JTMM-Jwala Singh was allegedly responsible for 17 out of 26 reported killings by unidentified or known armed groups between mid-July and 30 September. Three more CPN(M) cadres were killed during that period, bringing the total killed since June to 13. During the same period, OHCHR received reports of 75 individuals abducted in the Terai, 42 of them allegedly by factions of JTMM.

72. There were serious concerns about increasing tensions between Madhesi and Pahadi communities. The outbreak of violence in Kapilvastu following the murder of a Muslim and former vigilante group leader on 16 September, which resulted in

at least 14 killings, several thousand displaced people and extensive property damage including to several mosques, highlighted once more the underlying explosive tensions between Terai communities. The pattern of non-intervention by local authorities and security forces to protect civilian populations was yet again evident and must be addressed urgently.

73. In its monitoring of police custody, OHCHR documented numerous allegations of illtreatment and torture during this period, as well as the secret, unacknowledged detention of suspects in the Kathmandu bombing case for up to 11 days in September. At a seminar in September, NGOs, OHCHR and others renewed calls for the Government to draft a law to criminalize and end impunity for torture. Thirty-eight abductions, and in some cases beatings by CPN(M) entities, were reported to OHCHR between 15 July and 30 September, mostly in the western and central regions and primarily in the context of "law enforcement" activities. Several cases of assault sometimes accompanied by face-blacking public humiliation were also reported. In early September, CPN(M) announced the reactivation of "people's councils", the nature of which is not yet clear. CPN(M) has denied they would be similar to the "people's courts" that operated as a parallel judicial system during the armed struggle.

74. After initial hope that there might be some progress in addressing impunity following the 1 June Supreme Court ruling on disappearances, the Government announced that it was setting up a commission of inquiry into disappearances on a basis that fell far short of international standards, although the commission has yet to start functioning. Furthermore, serious concerns were raised about a draft Truth and Reconciliation Commission bill, under which those responsible for gross human rights violations would be amnestied and which would have allowed potential excessive interference from the Government. The Ministry of Peace and Reconstruction has stated that it will hold five regional consultations to discuss the bill, but OHCHR is concerned that a far more extensive process of consultation is required.

75. In August, the Government published the report of the Rayamajhi Commission on violations during the King's Government, which included a recommendation for the prosecution of 31 members of the security forces. Some former ministers and others named in the report as being responsible for corruption or abuses challenged a provision of the electoral law that makes those named in the Commission report ineligible to stand in the elections of the Constituent Assembly; on 27 September a majority of the Supreme Court ruled that the provision was in breach of the interim Constitution.

76. Political pressures on police, including threats and intimidation to release anyone arrested who is linked with the major political parties, particularly CPN(M), have contributed to ongoing impunity for abuses and acts of violence especially in the context of protests. OHCHR is also concerned about amendments to the Local Administration Act, adopted in August, which gave greater powers to Chief District Officers to issue detention orders, for up to six months in some cases, for incidents related to public order.

77. In September, a parliamentary hearing confirmed the appointment of five commissioners for the national human rights commission, appointments that have been vacant for more than one year. There was criticism that the nomination process was flawed and did not meet international standards. Nevertheless, the appointments

will provide an important opportunity for the national human rights commission to be developed into an independent and credible body playing a crucial role in protecting and promoting the rights of Nepali citizens.

VII. United Nations country team coordination

78. Since my last report, UNMIN and the United Nations country team have intensified coordination efforts in relation to peace process assistance and recovery. The Coordination Unit in UNMIN is now fully operational, with the arrival of its two officers in September. It will operate closely with new staff in the office of the Resident Coordinator to complement at the operational level the existing management-level coordination mechanisms.

79. The level of support needed for crucial components of the peace process is high, with estimates in excess of $200 million to support a combination of management of Maoist army cantonments, the discharge and reintegration of combatants, re-establishment of public security in the countryside, support activities related to the Constituent Assembly, and the functioning of bodies outlined in the Comprehensive Peace Agreement. The Government also presented a broader social and economic programme in July that stresses poverty reduction and macroeconomic stability, along with special emphasis on social inclusion.

80. Activities related to the peace process are being financed primarily through twin trust funds, the government-operated Nepal Peace Trust Fund and the complementary United Nations peace fund for Nepal. These two funds operate under a common governance arrangement led by the Government and including my Special Representative, the Resident Coordinator and leading donors. The Nepal Peace Trust Fund has received approximately $13 million from five donors, who have also contributed approximately $4.5 million to the United Nations peace fund. I am grateful to Member States who have already contributed so generously, and UNMIN will work closely with the Government of Nepal to help mobilize additional resources that are urgently needed to facilitate and sustain the peace process.

81. The Nepal Peace Trust Fund has now fully committed its funds to projects designed to improve living conditions in Maoist army cantonments, finance voter education and training of electoral officers, and facilitate the return of internally displaced persons to their district of origin. The United Nations peace fund has supported complementary projects that can be implemented by United Nations agencies and that complement the UNMIN mandate. These include projects designed to support the second phase of Maoist army registration (verification) involving UNDP and UNICEF; provide health care in the Maoist cantonments through the United Nations Population Fund and the World Health Organization; contribute to mine action through the UNMIN Mine Action Unit and the United Nations Office for Project Services; support the Election Commission and the coordination of international election observers through UNDP; and support a decentralized network of humanitarian and peace support monitoring through the World Food Programme and OCHA.

82. The principal challenge in many parts of the country remains the implementation of initiatives, due to the absence of local counterparts and the emergence of local conflicts and increased criminal activity. UNMIN is advising the

United Nations country team and donor efforts to work with the Government to expand development activities in the Terai region. Donors, the development banks and United Nations agencies have responded to these difficulties by reaffirming their commitment to a set of operating principles that stress the impartiality of development work and by establishing an action plan to generate peace dividends. UNMIN has actively participated in these processes, and will continue to advise and support strategies to devise appropriate development initiatives that can underpin the peace process.

VIII. Observations

83. Nepal's peace process now stands at a crossroads. Significant strides have been made by the political parties, but the peace process is facing serious difficulties. The second postponement of the Constituent Assembly election has been a major disappointment for the people of Nepal and the international community. While the proximate causes for the postponement were the Maoist demands for the declaration of a republic and the adoption of a fully proportional electoral system for the election, the roots of the impasse are deeper and more complex. It is now essential for the parties to take a hard look at their differences and the underlying weaknesses of the peace process.

84. As partners in a peace process, the Seven-Party Alliance has the greatest and most direct interest in the success of that process. It also bears the responsibility for safeguarding the peace process and delivering on its promise to the people of Nepal to consolidate peace and establish the basis for restructuring the State through a credible election of the Constituent Assembly. I urge, therefore, the seven political parties to set aside their lesser differences and maintain their unity in the interest of the common national agenda. In order to broaden the national consensus and ensure an inclusive democratic process, they need to reach out to other social and political forces.

85. The political developments of the past year are significant enough to merit a review of the Comprehensive Peace Agreement and its implementation. The shortcomings and enduring strengths of the Comprehensive Peace Agreement need to be assessed in order to build on its achievements. The parties need to jointly and expeditiously identify the main issues that are of critical importance for the success of the peace process. They should engage in a debate on these issues, allowing for adequate public participation, and arrive at a broad road map to carry forward the peace process. In so doing, the crisis in the Terai and the deep grievances of the marginalized groups in general, which have such an immediate relevance to the ongoing transition, must be tackled without delay if a fully participatory election of the Constituent Assembly is to take place.

86. While the Government has reached a number of agreements with protesting marginalized groups, implementation of agreed decisions has lagged behind. Appropriate mechanisms need to be designed and empowered to give effect to the agreements reached. A serious effort needs to be made to improve the architecture and procedures of the negotiating process, which could benefit from better planning, improved consultation mechanisms and division of labour.

87. It is of the utmost importance for the parties to the peace process to respect their human rights commitments to the people of Nepal and international standards.

A pattern of repeated human rights violations and continuing impunity will not only have the cumulative effect of diminishing the prospect of a free and fair electoral process, but could also negatively impact the possibility of a more democratic and inclusive society that many Nepalese hope for.

88. UNMIN monitoring of arms and armed personnel continues to serve the important purpose of fostering confidence and goodwill. The verification of the ages and dates of recruitment of those initially registered is proceeding with the full cooperation of the Maoist army. However, it must be borne in mind that the cantonment and confinement of troops and the storage of weapons is a temporary arrangement aimed at assisting the creation of confidence for the election. At the end of this transition period this temporary arrangement has to be replaced by long-term solutions. Such plans have to be developed and agreed in advance. A prolonged stay in cantonments of thousands of mainly young people living under difficult conditions and lacking clarity about their future is not a sustainable situation. The agreed mechanisms for dealing with the future of the Maoist combatants and for the democratization of the Nepal Army should begin to function and develop the necessary plans without delay.

89. The peace process in Nepal is facing its most difficult challenges to date. In its statement postponing the election, the Seven-Party Alliance requested the international community and the United Nations to continue to support Nepal's peace process, the further development of democracy and the election of the Constituent Assembly. UNMIN continues to carry out its mandate to the best of its ability, and the Nepalese parties should benefit from it to the full extent.

90. In the preceding paragraphs, I have outlined a number of issues that in my estimation are critical for the success of the peace process. The United Nations is well placed and at the disposal of the Nepalese parties to assist in their effort to tackle these issues. The limited focus of the mandate of UNMIN has constrained its ability to adequately assist the overall management of the peace process, whose weakness has now become evident. While recognizing that ownership of the peace process is firmly with the people of Nepal, the United Nations and I stand ready to extend all necessary assistance. The expectations of the Nepalese people remain high. I strongly appeal to the Nepalese parties to come to a clear and firm agreement on consolidating the peace process and to set a realistic electoral timeline firmly grounded on such a consensus. They can count on the renewed support of the international community in this endeavour.

91. In conclusion, I would like to convey my appreciation to the Security Council and other Member States for their continued support to Nepal. I would also like to thank my Special Representative, his staff and their partner organizations for their dedicated efforts.